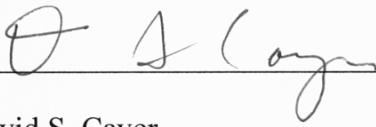


not inconsistent with other substantial evidence in the record. See 20 C.F.R. §§ 404.1527(d)(2) (2002); and Mastro v. Apfel, 270 F.3d 171, 178 (4th Cir. 2001). Therefore, “[b]y negative implication, if a physician’s opinion is not supported by clinical evidence or if it is inconsistent with other substantial evidence, it should be accorded significantly less weight.” Mastro, 270 F.3d. at 178, citing Craig v. Chater, 76 F.3d 585, 590 (4th Cir. 1996).

On December 4, 2006, Dr. Kipnis completed a functional capacity statement. (Tr. 358-359). In that assessment, the doctor determined that Plaintiff could occasionally lift five pounds, and sit and stand and/or walk for one to two hours each in an eight-hour day. He stated that she could never climb, balance, kneel, crouch, crawl, stoop, push/pull, or reach. (Tr. 358). Dr. Kipnis also stated that Plaintiff could occasionally manipulate and rarely grip/handle, would need to lie down for two hours in an eight-hour day, would need to take more than two fifteen-minute breaks and a thirty-minute lunch period, and would miss five to ten days of work each month. (Tr. 358-359). The ALJ considered Dr. Kipnis’ opinion in his decision, and concluded that the doctor’s assessment was too extreme and not consistent with the medical evidence of record. (Tr. 14). In support of his determination, the ALJ noted that Plaintiff did well after the January 2007 surgical repair of her rotator cuff; as of April 2007, she had met her physical therapy goals, and was independent with a home exercise program; and she continued to see Dr. Kipnis every six months only for adjustments to her medication regimen and evaluation of her laboratory results. (Tr. 16). The ALJ added that despite the findings in Dr. Kipnis’ assessment, Plaintiff was able to perform her job on the last day she was employed. He also found that she declined to pursue her employer’s disability program because it was in her pecuniary interest to continue to work, and applied for Social Security disability benefits only after she received her severance package. (Tr. 16). Moreover, a review of the record

Signed: February 19, 2010

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

